
SUPPLEMENTAL MATERIAL
APRIL 20, 2005
CITY COMMISSION MEETING

SUPPLEMENTAL MATERIAL

C7 - Resolutions

- C7K A Resolution Approving The Issuance Of A Purchase Order To DGG Taser, Inc., The Sole Source Distributor Of The X-26 And M-26 Tasers, For The Purchase Tasers, Air Cartridges And Holsters For Use By The Police Department, In The Estimated Amount Of \$55,000.
(Police Department)
(Resolution)

R7 - Resolutions

- R7I A Resolution Authorizing The Administration To Continue With The Construction Scope Of Work Of The Pool Portion Of The Normandy Isle Park And Pool Project, Independently From The Performance Bond Claim To The St. Paul Guardian Insurance Companies, Regosa Engineering's Surety Company; And Appropriating \$1,119,418 As Follows To Provide Sufficient Funding To Complete The Project: \$558,149 From 2% Resort Tax Unallocated Funds; And \$561,269 From A Funding Source To Be Determined.
(Capital Improvement Projects)
(Memorandum)
- R7J A Resolution Appropriating \$537,990 From Series 2000 Stormwater Bond Interest Funds; Appropriating \$150,000 From The 1999 General Obligation Bond Fund (Previously Allocated For The Shane Watersports Center); And If Approved By The US Department Of Housing And Urban Development (HUD), Reallocating The Unspent Portion Of The US Department Of Housing And Urban Development (HUD) Grant Through Florida International University (FIU) Originally Allocated For The North Shore Park And Youth Center Concession Stand, To Provide Sufficient Funding To Complete The Park Portion Of The Normandy Isle Park And Pool Project.
(Capital Improvement Projects)
(Memorandum)

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING THE ISSUANCE OF A PURCHASE ORDER TO DGG TASER, INC., AS THE SOLE SOURCE DISTRIBUTOR OF THE X-26 AND M-26 TASERS, FOR THE PURCHASE OF TASERS, AIR CARTRIDGES AND HOLSTERS FOR USE BY THE POLICE DEPARTMENT, IN THE ESTIMATED AMOUNT OF \$55,000.

WHEREAS, the City of Miami Beach has made purchases of equipment from DGG Taser, Inc. for its Police Department over the past two years, including Tasers and related accessories, totaling 123,574; and

WHEREAS, there is currently a need for an additional 55 Tasers, holsters, and corresponding air cartridges, at an estimated cost of \$55,000; and

WHEREAS, TASER International, Inc. is the sole source manufacturer of the less than lethal Tasers which the City's Police Department has been trained to use and has utilized over the last two years; and

WHEREAS, the sole source distributor in Florida (and Georgia) for the required Taser products is DGG Taser, Inc.; and

WHEREAS, pursuant to Section 2-367(d) of the Miami Beach City Code, the sole source requirements have been met.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND THE CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission hereby approve the issuance of a purchase order to DGG Taser, Inc., as the sole source distributor of the X-26 and M-26 Tasers, for the purchase of Tasers, air cartridges and holsters for use by the Police Department, in the estimated amount of \$55,000.

PASSED and ADOPTED this _____ day of April, 2005.

MAYOR

ATTEST:

CITY CLERK

**APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION**

T:\AGENDA\2005\APR2005\Consent\DGGReso.doc

Agenda Item C7K
Date 4-20-05

M. J. Salas 4-15-05
City Attorney Date

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**CITY OF MIAMI BEACH
COMMISSION ITEM SUMMARY**



Condensed Title:

A Resolution Authorizing The Administration To Continue With The Construction Scope Of Work Of The Pool Portion Of The Normandy Isle Park And Pool Project, Independently From The Performance Bond Claim To The St. Paul Guardian Insurance Companies, And Appropriating \$1,119,418 To Provide Sufficient Funding To Complete The Project.

Issue:

Shall the City Commission appropriate funding to complete the Pool portion of the Normandy Isle Park and Pool project independent from the Performance Bond Claim to the Surety for the former contractor?

Item Summary/Recommendation:

On September 1, 2000, Invitation to Bid No. 136-99/00 was issued for the construction of the Normandy Isle Park and Pool project. On January 31, 2001, the Mayor and City Commission rejected all bids due to them coming in over budget and subsequently issued a Request for Proposal (RFP) for the construction of the Project. On March 20, 2002, the City Commission awarded the construction of the Project to Regosa Engineering, Inc. Some of the project components, such as the multi-purpose court, soccer field renovations, and site landscaping and irrigation, were not funded at the time. Notice to Proceed, essentially the commencement of construction activities, was issued on June 9, 2002.

Since the commencement of construction, several delays related to coordination, unforeseen conditions, and deletions arose. The Administration tried to work with Regosa, including the issuance of a unilateral deductive change order to remove the Park portion of the Project from the Scope of Work, and reviewing a recovery plan and schedule to accelerate the completion of the Pool portion of the Project. Finally, on May 5, 2004, the City Engineer issued a Notice of Default, which the City Commission certified on June 5, 2004. Also included in the June 5, 2004 Resolution was the authorization for the City to invoke the performance bond as a result of Regosa's default. On June 16, 2004, Regosa and its Surety, The St. Paul Guardian Insurance Companies (the Surety), were given formal written notification that the prosecution of work for the Project was removed from Regosa and a specific demand against the Performance Bond was made. Regosa demobilized from the site as of July 15, 2004. On January 21, 2005, the Surety responded that they will complete the Normandy Isle Pool project through a completing contractor and under a full reservation of all rights and defenses under the Contract and Bond. The Surety plans to advertise an Invitation to Bid (ITB) package for three weeks and schedule a price submittal by May 2, 2005.

If negotiations with the Surety do not conclude successfully and in an appropriate timeframe, the Administration would like to be in the position to resume the construction with a replacement contractor, and to pursue remedies with the Surety independently. The Administration has submitted the same construction documents and information to a Job Order Contracting (JOC) Program contractor to independently price the pool portion of the Project. The construction cost, if the City were to independently complete the construction with a JOC contractor, is \$1,549,990. There are other costs that need to be considered if the City is to proceed with the construction on its own. Also, a 20% project contingency is budgeted, as the existing condition of the project is uncertain at best. Additional funding in the amount of \$1,119,418 would be needed to complete the project with a replacement JOC Contractor. The City would seek its full remedies under the law against the Surety and Regosa Engineering for any and all costs incurred to finish the Project.

Advisory Board Recommendation:

NA

Financial Information:

Source of Funds:	Amount		Account	Approved
Finance Dept.	1	\$ 558,149	2% Resort Tax Unallocated Funds	
	2	\$ 561,269	To Be Determined	
	Total	\$1,119,418		

City Clerk's Office Legislative Tracking:

M. Alexandra Rolandelli

Sign-Offs:

Department Director	Assistant City Manager	City Manager

AGENDA ITEM **R7I**

DATE **4-20-05**

CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139
www.miamibeachfl.gov



COMMISSION MEMORANDUM

To: Mayor David Dermer and
Members of the City Commission

Date: April 20, 2005

From: Jorge M. Gonzalez
City Manager

Subject: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AUTHORIZING THE ADMINISTRATION TO CONTINUE WITH THE CONSTRUCTION SCOPE OF WORK OF THE POOL PORTION OF THE NORMANDY ISLE PARK AND POOL PROJECT, INDEPENDENTLY FROM THE PERFORMANCE BOND CLAIM TO THE ST. PAUL GUARDIAN INSURANCE COMPANIES, REGOSA ENGINEERING'S SURETY COMPANY; AND APPROPRIATING \$1,119,418 AS FOLLOWS TO PROVIDE SUFFICIENT FUNDING TO COMPLETE THE PROJECT: \$558,149 FROM 2% RESORT TAX UNALLOCATED FUNDS; AND \$561,269 FROM A FUNDING SOURCE TO BE DETERMINED.**

ADMINISTRATION RECOMMENDATION:

Adopt the Resolution.

FUNDING:

The City has received \$558,149 from the 2% Resort Tax collections from Fiscal Year 2004 above and beyond the amount projected and budgeted. This funding is unallocated and available for use on this project.

The balance of the necessary funding (\$561,269) can be funded from one of the following sources:

- Parking Enterprise Funds
- North Beach Quality of Life Uncommitted Funds

The Administration is seeking the Commission's direction on which funding source to use to fund the balance of this project.

ANALYSIS:

Pursuant to approval by the citizens of the \$15 Million General Obligation Bond for the improvements to the City's parks on November 8, 1994, the City contracted with The Corradino Group, Inc. (the Consultant) to develop the plans and specifications for the Normandy Isle Park and Pool Facility Improvements (the Project). The Project was extensively reviewed by the community during the programming and design phases.

Based on analysis of the projected demographic data of the region, and in order to upgrade the quality of services being offered to the community, the Administration and the City's Consultant re-evaluated the scope highlighted in the Master Plan, approved on June 19, 1996, and re-defined the program to a more comprehensive aquatic facility consisting of a pool with an aquatic play structure, and a four (4) lane lap pool with night-swimming-quality lighting. The Project included construction of new restrooms and shower facilities, multi-purpose activity building, outdoor trellis shade areas, and a concession building. Also included are a new pedestrian promenade to traverse the length of the park; new landscaping and irrigation, including a buffer between the park and the adjacent residential neighborhood; a new multi-purpose court; a decorative perimeter fence with new entry gate features; on-street parking; and sidewalk improvements.

On September 1, 2000, Invitation to Bid No. 136-99/00 was issued. From the 1,128 vendors that were notified, the City's Procurement Department received 37 requests for plans and specifications, but the three lowest responsive bids had significantly exceeded the available funding of \$2,381,206, of which \$2,175,000 was allocated for hard construction costs, \$89,000 for ADA improvements, and the remaining balance of \$117,206 for fixtures, furnishing and equipment (FF&E), signage, playground equipment, and special inspection fees.

On January 31, 2001, the Mayor and City Commission rejected all bids and on February 21, 2001, upon recommendation of the Administration, the City Commission adopted Resolution 2001-24279 to issue a Request for Proposal (RFP) for the construction of the Project. This method of procurement allowed the Administration to do two things: negotiate with the prospective proposers if the new proposals were above the City's available funding and prioritize the construction of the Project per component, in the event the value engineering process alone was unsuccessful addressing costs, without the drastic elimination of essential architectural features and programs.

On March 20, 2002, the City Commission adopted Resolution 2002-24800, awarding the construction of the Project to Regosa Engineering, Inc., pursuant to the Request for Proposal No. 21-00/01, in the amount of \$2,264,000; and appropriated additional funds to complete the construction. Some of the project components, such as the multi-purpose court, soccer field renovations, and site landscaping and irrigation, were not funded at the time. Notice to Proceed, essentially the commencement of construction activities, was issued to Regosa Engineering, Inc. ("Regosa") on June 9, 2002.

Since the commencement of construction, several delays related to coordination, unforeseen conditions, and deletions arose. The Administration tried to work with Regosa, including the issuance of a unilateral deductive change order to remove the Park portion of the Project from the Scope of Work, and reviewing a recovery plan and schedule to accelerate the completion of the Pool portion of the Project. Finally, pursuant to Article 8.8 of the City's Agreement with Regosa, on May 5, 2004, the City Engineer issued a Notice of Default, and on June 9, 2004, the City Commission adopted Resolution 2004-25595, accepting the Certification of Default issued by the City Engineer. This action also

authorized the City Manager to enter into any agreements for the completion of work, as long as funding had been appropriated for the work.

Also included in the June 5, 2004 Resolution was the authorization for the City to invoke the performance bond as a result of Regosa's default. On June 16, 2004, Regosa and its Surety, The St. Paul Guardian Insurance Companies (the Surety), were given formal written notification that the prosecution of work for the Project was removed from Regosa and a specific demand against the Performance Bond was made. Regosa demobilized from the site as of July 15, 2004.

The Administration held meetings in the remainder of 2004 with the Surety to reach an understanding of the existing conditions and to agree on the decisions to complete the Project. Regosa; The Corradino Group (Corradino), the Architect-of-Record; and URS, the City's Program Manager, were also participants in these meetings. Per the Surety's request, the CIP Office forwarded all documentation related to the Project and gave responses to all inquires. The Construction Documents submitted to the Surety included a report recommending a course of action for all the non-conforming work identified by the Architect; the contour grading plan, produced by comparing the existing conditions data from the survey performed on the park portion of the Project against the plans' requirements; and the existing construction documents, marked with the pending scope.

On December 9, 2004, in response to a Second Notice of Demand to honor the claim, the Surety acknowledged receiving all the documents. On January 21, 2005, the Surety responded that they will complete the Normandy Isle Pool project through a completing contractor and under a full reservation of all rights and defenses under the Contract and Bond. On February 3, 2005 CIP Staff, URS and Corradino representatives met, at the site, with the construction consultant (Qualex) representing the Surety. A walk-through and a subsequent meeting were held, with the intention to determine the content of the Invitation-To-Bid (ITB). On March 18, 2005, the Surety again stated that they continued to move forward with performing diligent investigation to uphold its obligations under the bond. In addition, per the Surety's request, the City forwarded a list of the JOC Program Contractors to be included in the list of Contractors invited to participate in the bid process.

On April 6, 2005, Qualex advised that the ITB package was being sent to the Surety on April 8, 2005 with the intention to advertise the ITB for three weeks and schedule a price submittal by May 2, 2005.

At the time of the default, Regosa's contract balance was \$1,198,820. Since then, costs have been incurred related to the discussions with the Surety, including clean up of the site, and additional work by the Architect to provide submittals to the Surety, and additional work by the Program Manager. These costs total approximately \$235,000. The City will be making a claim against the Surety for these costs. In the meantime, the costs have been paid out of the project, leaving a balance of \$963,820.

In order to complete the project, whether with the Surety or if the City were to resume construction independent of the Surety, there will be additional soft costs. The Construction Administration services for the Architect and Field Observation services for the Program Manager will have to be extended. There will be additional CIP Office fees and Art in Public Places fees needed as well. At this time, these soft costs are estimated to be approximately \$200,000. These fees and services are being deducted from the balance of Regosa's contract, leaving a balance of \$763,820.

If negotiations with the Surety do not conclude successfully and in an appropriate timeframe, the Administration would like to be in the position to resume the construction with a replacement contractor, and to pursue remedies with the Surety independently. The Administration has submitted the same construction documents and information to a Job Order Contracting (JOC) Program contractor to independently price the pool portion of the Project. The construction cost, if the City were to independently complete the construction with a JOC contractor, is \$1,549,990. Also, a 20% project contingency is budgeted, as the existing condition of the project is uncertain at best. Due to the poor performance of the prior contractor, there may be work that needs to be demolished and redone by a new contractor.

JOC Construction Proposal	\$1,549,990
JOC Coordinating Fee	\$ 23,250
20% Construction Contingency	<u>\$ 309,998</u>
Total Estimated Construction Costs:	\$1,883,238

Less Remaining Funding:	(\$ 763,820)
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Additional Funding Needed:	\$1,119,418
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The additional funding needed is anticipated to complete the project. Of course, the City still will invoke the performance bond with the Surety, but because the result of that effort will not be known for some time, the Administration would need to appropriate the additional funding in advance and determine a settlement amount later, similar to the effort to procure a replacement contractor on the Citywide Water and Sewer Pump Station Upgrades project.

By appropriating the funding identified above, it is anticipated that mobilization can occur in early June 2005, and that construction would last approximately 300 days (or into April 2006). The Administration would cease the ITB with the Surety in a timely manner if it appeared that the project could not be mobilized by that point, and resume construction with the JOC Contractor. The City would seek its full remedies under the law against the Surety and Regosa Engineering for any and all costs incurred to finish the Project.

CONCLUSION:

The Administration recommends that the Mayor and City Commission adopt the resolution, and authorize the Administration to proceed with the completion of the pool portion of the Normandy Isle Pool project if the construction commencement will be significantly delayed past June 2005. The Administration is also recommending that the Mayor and City Commission appropriate \$558,149 from the 2% Resort Tax collections from Fiscal Year 2004, and appropriate \$561,269 from another funding source as outlined above, to provide sufficient funding for the completion of construction of the pool portion of the Normandy Isle Park and Pool Project.

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**CITY OF MIAMI BEACH
COMMISSION ITEM SUMMARY**



Condensed Title:

A Resolution Appropriating \$537,990 From Series 2000 Stormwater Bond Interest Funds; Appropriating \$150,000 From The 1999 General Obligation Bond Fund (Previously Allocated For The Shane Watersports Center); And If Approved By The Us Department Of Housing And Urban Development (HUD), Reallocating The Unspent Portion Of The US Department Of Housing And Urban Development (HUD) Grant Through Florida International University (FIU) Originally Allocated For The North Shore Park And Youth Center Concession Stand, To Provide Sufficient Funding To Complete The Park Portion Of The Normandy Isle Park And Pool Project.

Issue:

Shall the City appropriate additional funding to begin the construction of the drainage portion of the Normandy Isle Park project?

Item Summary/Recommendation:

The Normandy Isle Park and Pool project includes a comprehensive aquatic facility consisting of a pool with an aquatic play structure, and a four (4) lane lap pool with night-swimming-quality lighting. The Project includes construction of new restrooms and shower facilities, multi-purpose activity building, outdoor trellis shade areas, and a concession building. Also included are a new pedestrian promenade to traverse the length of the park; new landscaping and irrigation, including a buffer between the park and the adjacent residential neighborhood; a new multi-purpose court; a decorative perimeter fence with new entry gate features; on-street parking; and sidewalk improvements. Other planned improvements to the park include the renovation of the soccer field and tot-lot. On March 20, 2002, the City Commission adopted Resolution 2002-24800, awarding the construction of the Project to Regosa Engineering, Inc. Some of the project components, such as the multi-purpose court, soccer field renovations, and site landscaping and irrigation, were not funded at the time.

In the meantime, construction on the Park portion can commence. The Administration issued a Request for Proposal (RFP) through the City's Job Order Contracting (JOC) Program for the totality of the park portion of the Project, including site grading and drainage. In response to the RFP, a JOC contractor has submitted a price proposal for part of the scope, which includes site clearing and grubbing, demolition and debris disposal, and site grading. The proposal (approximately \$29,000) was reviewed and recommended by the City's Program Manager and accepted by the Administration. The JOC contractor mobilized to the site on April 4, 2005 to start with the work. The JOC contractor submitted a price proposal for the drainage scope of work in the amount of \$452,037. In addition, \$85,953 will be required for construction related costs, for a total of \$537,990. The JOC contractor is also pricing subsequent phases of the Project. Funding has been identified to complete portions of this work, as outlined herein. The Administration recommends appropriating the funding so that mobilization for the drainage and irrigation work can occur in early May 2005.

Advisory Board Recommendation:

NA

Financial Information:

Source of Funds:	Amount		Account	Approved
	1	2		
Finance Dept.	1	\$537,990	Series 2000 Stormwater Bond Interest	
	2	\$150,000	1999 General Obligation Bond	
	Total	\$687,990		

City Clerk's Office Legislative Tracking:

M. Alexandra Rolandelli

Sign-Offs:

Department Director	Assistant City Manager	City Manager

N-NIPK&Pool-02-04202005

AGENDA ITEM

R7J

DATE

4-20-05

CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139
www.miamibeachfl.gov



COMMISSION MEMORANDUM

To: Mayor David Dermer and
Members of the City Commission

Date: April 20, 2005

From: Jorge M. Gonzalez
City Manager

Subject: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROPRIATING \$537,990 FROM SERIES 2000 STORMWATER BOND INTEREST FUNDS; APPROPRIATING \$150,000 FROM THE 1999 GENERAL OBLIGATION BOND FUND (PREVIOUSLY ALLOCATED FOR THE SHANE WATERSPORTS CENTER); AND IF APPROVED BY THE US DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD), REALLOCATING THE UNSPENT PORTION OF THE US DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) GRANT THROUGH FLORIDA INTERNATIONAL UNIVERSITY (FIU) ORIGINALLY ALLOCATED FOR THE NORTH SHORE PARK AND YOUTH CENTER CONCESSION STAND, TO PROVIDE SUFFICIENT FUNDING TO COMPLETE THE PARK PORTION OF THE NORMANDY ISLE PARK AND POOL PROJECT.**

ADMINISTRATION RECOMMENDATION:

Adopt the Resolution.

FUNDING:

Funding in the amount of \$138,848 from Community Development Block Grant (CDBG) funds and \$25,000 in Fiscal Year 2001-2002 North Beach Quality of Life funds has already been appropriated for the Normandy Isle Park and Pool project.

Additional funding for this project is available from the following sources:

Series 2000 Stormwater Bond Interest	\$ 537,990
General Obligation Bond Funds (Previously Allocated to the Shane Water Sports Center)	\$ 150,000
US Department of Housing and Urban Development (HUD) Florida International University (FIU) Grant (if reallocated)	\$ 239,785
Total Available Funding to be Appropriated:	\$ 927,775

ANALYSIS:

Pursuant to approval by the citizens of the \$15 Million General Obligation Bond for the improvements to the City's parks on November 8, 1994, the City contracted with The Corradino Group, Inc. (the Consultant) to develop the plans and specifications for the Normandy Park and Pool Facility Improvements (the Project). The Project was extensively reviewed by the community during the programming and design phases. Based on analysis of the projected demographic data of the region, and in order to upgrade the quality of services being offered to the community, the Administration and the City's Consultant re-evaluated the scope highlighted in the Master Plan, approved on June 19, 1996, and re-defined the program to a more comprehensive aquatic facility consisting of a pool with an aquatic play structure, and a four (4) lane lap pool with night-swimming-quality lighting. The Project included construction of new restrooms and shower facilities, multi-purpose activity building, outdoor trellis shade areas, and a concession building. Also included are a new pedestrian promenade to traverse the length of the park; new landscaping and irrigation, including a buffer between the park and the adjacent residential neighborhood; a new multi-purpose court; a decorative perimeter fence with new entry gate features; on-street parking; and sidewalk improvements. Other planned improvements to the park include the renovation of the soccer field and tot-lot.

On March 20, 2002, the City Commission adopted Resolution 2002-24800, awarding the construction of the Project to Regosa Engineering, Inc. (Regosa), pursuant to the Request for Proposal No. 21-00/01, in the amount of \$2,264,000; and appropriated additional funds to complete the construction. Some of the project components, such as the multi-purpose court, soccer field renovations, and site landscaping and irrigation, were not funded at the time. This action addresses primarily those items that were not a part of Regosa construction contract.

As part of the efforts to separate the pool and park portions of the Project, Corradino prepared a bid package for the drainage and grading in the South and West portions of the Park, using the existing drainage design, with minor modifications to the grading plan. The modifications include the replacement of a spot plan (survey elevations points every 100 Sq. Ft.) with a contour plan (elevation points at every 25 Sq. Ft.), which will produce a more accurate estimate from the Contractor and an easier implementation of the scope.

The complete construction package served as basis for the Administration to issue a Request for Proposal (RFP) through the City's Job Order Contracting (JOC) Program for the totality of the park portion of the Project, including site grading and drainage. In response to the RFP, a JOC contractor has submitted a preliminary price proposal for the entire scope. In an effort to expedite the mobilization and commencement of construction, the Administration has intensively participated with its Program Manager, URS, in negotiating sessions with the JOC contractor to reach an agreement on the exact scope of the park project. As such, a price proposal for part of the scope, which includes site clearing and grubbing, demolition and debris disposal, and site grading for approximately \$29,000 was reviewed and recommended by the URS and accepted by the Administration. The JOC contractor mobilized to the site on April 4, 2005 to start with the work.

The JOC contractor is working under the existing permit, which was originally issued to Regosa and reassigned to the JOC contractor through a Change of Contractor application, approved by the City's Building Department. This permit covers both the Park and Pool portions of the project. If the Administration decides to allow the Surety to complete the pool portion of the project and the Surety selects a different contractor than the JOC Contractor, the existing permit would have to be revised. The pool portion would remain under the existing permit, and the park portion would be separated and processed under a different permit. This process is not expected to be extensive, due to the lack of any vertical construction in the park portion of the Project.

The Administration, URS and the JOC contractor also agreed on the price proposal for the drainage scope of work in the amount of \$452,037. An additional \$85,953 needs to be appropriated for: contingency (\$45,204), Art in Public Places (\$6,781), JOC Project Coordination fees (\$6,781), Department of Environmental Protection (DERM) drainage permit fees (\$10,000), and CIP Office project management fees (\$17,187) in relation to this work. The Administration had allocated \$2 million from Series 2000 Stormwater Bond Interest for drainage improvements related to the Normandy Shores Golf Course project. With the proceeds from the sale of the City's land to raise funds for the Golf Course project, the Administration believes that sufficient funds exist in the Golf Course Project budget for the implementation of the drainage system to reallocate \$537,990 of the \$2 million in Series 2000 Stormwater Bond Interest funds to complete drainage work at the Normandy Isle Park. The Administration recommends that \$537,990 be appropriated from Series 2000 Stormwater Bond Interest to fund these improvements.

The JOC contractor has also priced the remaining phases of the park portion of the Project, including: installation of the irrigation system and electrical conduit, to complete the site work; landscaping; hardscaping; fencing; sports lighting system; soccer field; west parking area; and multi-purpose court. The Administration, with the assistance of URS, is in the process of evaluating the price proposal.

The 1999 General Obligation Bond included a \$300,000 allocation for improvements at the Shane Water Sports Center. The Center is owned by the City, but operated under a long-term lease with Miami-Beach Watersports Center, Inc. and was therefore ineligible to receive the General Obligation Bond funds. On April 8, 2002, the General Obligation Bond Oversight Committee recommended that the City Commission reallocate the entire \$300,000 to the Normandy Isle Park and Pool portion. On April 9, 2003, the City Commission appropriated \$150,000 of the \$300,000 to fund part of the pool improvements. The remaining \$150,000 has not been appropriated. Of this amount, \$4,950 will be allocated toward the CIP Office project management fee, and a portion to Art in Public Places. The Administration recommends appropriating the funds now so that a portion of the park improvements can be constructed, once the aforementioned pricing is complete.

The City received a grant from the US Department of Housing and Urban Development (HUD) through Florida International University (FIU) for the construction of a concession stand at North Shore Park. The concession stand was designed, but the pricing for the

facility came in approximately \$750,000 over budget. The HUD Grant through FIU expires in June 2005. The Administration has been in discussions with FIU to identify another project where the funds may be used in an effort to not lose the grant funding. During these discussions, FIU indicated that if the City and FIU are in agreement, FIU will have to seek permission from HUD to reallocate the funds to the Normandy Isle Park project, and obtain an extension on the expenditure of the funds. FIU has indicated that the Commission's reallocation of the funds from the North Shore Park concession stand project to the Normandy Isle Park project would support similar objectives of the grant for the concession stand and thereby assist HUD's consideration. The HUD grant would be utilized in the construction of the Park's perimeter fence and civil work, including the west area parking lot, hardscaping, and multi-purpose courts. The Administration is recommending that the City Commission indicate its approval to reallocate the unspent portion of the grant (\$239,785) to the Normandy Isle Park project.

Even if this reallocation and extension is approved by HUD, the City will have to identify other funds to complete other park portions of the project. The work that would remain unfunded is the completion of the lighting system, the completion of the improvements to the soccer field, and some portions of the parking areas. To that end, the City has also applied for additional Community Development Block Grant (CDBG) funds, Florida Recreational Development Assistance Program (FRDAP) grant funds and US Soccer foundation grant funds to enhance the funding on the project and leverage existing funds.

The Administration will move forward with as much of the remaining scope of work as possible, with the current available funding. The site demolition and grading work is currently underway. Drainage and irrigation work will occur next, followed by construction of the sidewalks, parking areas, multipurpose court and landscaping. The improvements to the eastern portion of the park (south of the pool) will not take place until after the pool construction is complete, as that area will be used for staging for the pool construction. These phases will be priced through JOC sequentially and it is unknown if there is sufficient funding to complete all components of the proposed design.

By appropriating the funding, already identified above, it is anticipated that mobilization for the drainage and irrigation work can occur in early May 2005, and that the majority of construction that could be done prior to the completion of the pool portion will be completed in approximately 150 days.

CONCLUSION:

Therefore, the Administration recommends that the Mayor and City Commission of the City of Miami Beach, Florida, adopt the resolution, and appropriate the identified funding for the construction of the park portion of the Normandy Isle Park and Pool Project.